



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 05 2005

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Eichorn, President
Anchor Hocking CG Operating Company, LLC
Global Home Products, LLC
1115 West Fifth Avenue
Lancaster, Ohio 43130

Robert C. Ryder, Director, Engineering
Anchor Hocking CG Operating Company, LLC
Global Home Products, LLC
1115 West Fifth Avenue
Lancaster, Ohio 43130

Re: Notice of Violation/ Finding of Violation
Anchor Hocking CG Operating Company, LLC
Global Home Products, LLC
Lancaster, Ohio

Dear Messrs. Eichorn and Ryder:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) to Anchor Hocking CG Operating Company, LLC/Global Home Products, LLC (Anchor) under Section 113(a)(1) and (a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you are violating the Prevention of Significant Deterioration requirements in Part C of the Act, 42 U.S.C. §§ 7470-7479 and 42 U.S.C. §§ 7491-7492, the Title V permit program requirements in Section 503(c) and 504(a) of the Act, 42 U.S.C. §§ 7661b(c) and 7661c(a), and the Ohio State Implementation Plan at your Lancaster, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the

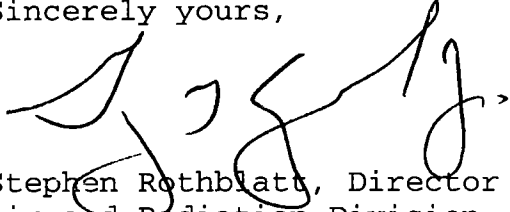
rules cited in the NOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference if you choose.

The contacts in this matter are Erik Hardin, Environmental Scientist, and Christine Liszewski, Associate Regional Counsel. To request a conference, you may call them at (312) 886-2402 and (312) 886-4670, respectively. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

 ACTING
Stephen Rothblatt, Director
Air and Radiation Division

cc: Robert Hodanbosi, Chief
Ohio Environmental Protection Agency

Isaac Robinson, APC Supervisor
Ohio Environmental Protection Agency
Central District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Anchor Hocking CG Operating
Company, LLC
Global Home Products, LLC
Lancaster, Ohio

**NOTICE AND FINDING OF
VIOLATION**

EPA-5-05-OH-18

Proceedings Pursuant to
Section 113(a)(1) and (a)(3)
of the Clean Air Act, 42
U.S.C. § 7413(a)(1) and (a)(3)

NOTICE AND FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) and (a)(3) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(a)(1) and (a)(3). U.S. EPA finds that Anchor Hocking CG Operating Company, LLC/Global Home Products, LLC (Anchor) is violating Part C of the Act, 42 U.S.C. §§ 7470-7479 and 42 U.S.C. §§ 7491-7492, the Title V permit program requirements in Section 503(c) and 504(a) of the Act, 42 U.S.C. §§ 7661b(c) and 7661c(a), and the Ohio State Implementation Plan (SIP) as follows:

Statutory and Regulatory Background

Prevention of Significant Deterioration Requirements

1. On June 19, 1978, U.S. EPA promulgated the prevention of significant deterioration (PSD) of air quality standards pursuant to Subtitle I, Part C of the Act. 43 Fed. Reg. 26403 (June 19, 1978). These regulations are codified at 40 C.F.R. § 52.21.
2. Part C of Title I of the Act and the PSD regulations implementing Part C, at 40 C.F.R. § 52.21, prohibit a major stationary source from constructing a modification without first obtaining a PSD permit if the modification is major in that it will result in a significant net increase in emissions of a regulated pollutant and if the source is located in an area that has achieved the National Ambient Air Quality Standards (NAAQS) for that pollutant. Part C and its implementing regulations further require that a source

subject to PSD regulations install Best Available Control Technology (BACT). 40 C.F.R. § 52.21(j).

3. Sections 110(a) and 161 of the Act, 42 U.S.C. §§ 7410(a) and 7471, require states to adopt a state implementation plan (SIP) that contains emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality in areas designated as attainment or unclassifiable.
4. A state may comply with Sections 110(a) and 161 of the Act by having its own PSD regulations approved as part of its SIP by U.S. EPA, which must be at least as stringent as those set forth at 40 C.F.R. § 51.166.
5. If a state does not have a PSD program that has been approved by U.S. EPA and incorporated into the SIP, the federal PSD regulations set forth at 40 C.F.R. § 52.21 may be incorporated by reference into the SIP. 40 C.F.R. § 52.21(a).
6. U.S. EPA disapproved Ohio's proposed PSD program and incorporated by reference the PSD regulations of 40 C.F.R. § 52.21(b) through (w) into the Ohio SIP at 40 C.F.R. § 52.1884(a) and (b). On May 1, 1980, U.S. EPA delegated to Ohio the authority to implement the federal PSD program incorporated into the Ohio SIP. 46 Fed. Reg. 9580 (January 29, 1981).
7. On October 10, 2001, U.S. EPA conditionally approved revisions to the Ohio SIP to incorporate Ohio's PSD program, effective October 10, 2001. 66 Fed. Reg. 51570 (October 10, 2001). See 40 C.F.R. § 52.1919(a)(4). On January 22, 2003, U.S. EPA granted final approval for Ohio's PSD program, effective March 10, 2003. 68 Fed. Reg. 2909 (January 22, 2003). See 40 C.F.R. § 52.1870(c)(127). Ohio's approved PSD program is found at Ohio Administrative Code (OAC) 3745-31-01 through 3745-31-20.
8. Under the PSD program, "major stationary source" is defined as, among other things, a stationary source that emits or has the potential to emit 250 tons per year of a regulated pollutant. 40 C.F.R. § 52.21(b)(1)(i)(b) and OAC Rule 3745-31-01.
9. Under the PSD program, "construction" means "any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or

modification of an emissions unit) which would result in a change in actual emissions." 40 C.F.R. § 52.21(b)(8) and OAC Rule 3745-31-01. See also 42 U.S.C. § 7479(2)(C) ("construction" includes the "modification" of the source or facility).

10. Under the PSD program, a "major modification" is defined as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act. 40 C.F.R. § 52.21(b)(2) and OAC Rule 3745-31-01.
11. "Net emissions increase" means "the amount by which the sum of the following exceeds zero: (a) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and (b) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable." 40 C.F.R. § 52.21(b)(3)(i) and OAC Rule 3745-31-01.
12. "Significant" means, among other things, a rate of emissions that would equal or exceed 15 tons per year of PM₁₀. 40 C.F.R. § 52.21(b)(23)(i) and OAC Rule 3745-31-01.
13. "PM₁₀ emissions" are defined as "finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air..." 40 C.F.R. § 51.100(rr).
14. Section 165(a) of the Act, 42 U.S.C. § 7475(a), and the implementing regulations at 40 C.F.R. §§ 52.21(i) and (k) and OAC Rule 3745-31-13 and 16, require the owner or operator to obtain a permit prior to construction of a major stationary source or of a major modification so that such a source can demonstrate, among other things, that the construction or modification, taken together with other increases or decreases of air emissions, will not violate applicable air quality standards.
15. The PSD regulations at 40 C.F.R. § 52.21(j) and OAC Rule 3745-31-15 also require a source with a major modification in an attainment or unclassifiable area to install and operate best available control technology (BACT), as defined at 40 C.F.R. § 52.21(b)(12), OAC Rule 3745-31-01, and 42 U.S.C. § 7479(3), for each pollutant regulated under the Act for which the modification would result in a significant

net emissions increase.

16. As set forth in 40 C.F.R. § 52.21(m) and OAC Rule 3745-31-14, any application for a PSD permit must be accompanied by an analysis of ambient air quality in the area.
17. As set forth in 40 C.F.R. § 52.21(n) and OAC Rule 3745-31-12, the owner or operator of a proposed source or modification must submit all information necessary to perform any analysis or make any determination required under 40 C.F.R. § 52.21.

Title V Permit Program

18. Title V of the Act, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources." Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.
19. On August 15, 1995, U.S. EPA approved the State of Ohio operating permit program with an effective date of October 1, 1995. 60 Fed. Reg. 42045 (August 15, 1995). See 40 C.F.R. Part 70, Appendix A.
20. Section 503(c) of the Act, 42 U.S.C. § 7661b(c), has at all relevant times provided that any person required to have a permit shall submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official who shall certify the accuracy of the information submitted. Section 503(b) of the Act, 42 U.S.C. § 7661b(b), requires a compliance plan to include, among other things, a "schedule of compliance." Section 501(3) of the Act, 42 U.S.C. § 7661(3), defines a "schedule of compliance" as "a schedule of remedial measures, including an enforceable sequence of actions or operations, leading to compliance with an applicable implementation plan, emission standard, emission limitation, or emission prohibition."
21. Section 504(a) of the Act, 42 U.S.C. § 7661c(a), has at all relevant times required that each Title V permit include, among other things, enforceable emission limitations and standards, a schedule of compliance, and such other conditions as are necessary to assure compliance with

applicable requirements of the Act and the requirements of the applicable SIP, including any PSD requirement to comply with an emission rate that meets BACT.

22. Section 70.1(b) of the Title V permit regulations, 40 C.F.R. § 70.1(b), requires all subject sources to have a permit to operate that assures compliance with all applicable requirements. Section 70.2 of the Title V permit regulations, 40 C.F.R. § 70.2, defines "applicable requirement" as " . . . (1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter; (2) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act; . . ."

Anchor's Facility

23. Anchor owns and operates a glass manufacturing plant at 1115 West Fifth Street in Lancaster, Ohio.
24. Anchor's Lancaster, Ohio glass manufacturing plant has the potential to emit over 250 tons per year of nitrogen oxides.
25. Anchor operates three gas-fired glass melting furnaces at its Lancaster, Ohio facility.
26. On or about December 31, 1992, Anchor submitted a PSD permit application for a new glass melting furnace (Furnace 1-3) at the facility. On February 22, 1993, Anchor submitted a revised PSD permit application for Furnace 1-3.
27. In its revised application, Anchor states that the potential PM10 emissions from Furnace 1-3 are 35.31 tons per year.
28. In its revised application, Anchor states that a contemporaneous decrease in PM10 emissions of 22.93 tons per year from the shutdown of two glass melting furnaces was to occur in conjunction with the installation of Furnace 1-3.
29. In its revised application, Anchor states that the project to install Furnace 1-3 was not a major modification for PM10 under PSD program because the total net increase in PM10 emissions was 12.38 tons per year.

30. On March 9, 1993, the Ohio Environmental Protection Agency (Ohio EPA) issued Permit No. 01-3867 to allow the installation of Furnace 1-3.
31. In May 1996, Anchor conducted a performance test to determine, among other things, its' emissions of PM₁₀. The test results showed that the total PM₁₀ emissions from Furnace 1-3 were greater than 35.31 tons per year and that the net emission increase from the installation of Furnace 1-3 was greater than 15 tons per year.
32. Anchor has not obtained a PSD permit for PM₁₀ emissions for the installation of Furnace 1-3.
33. On or about September 26, 1996, Anchor submitted an application to Ohio EPA for a Title V permit.
34. On October 29, 1998, Ohio EPA issued a Title V permit to Anchor.

Violations

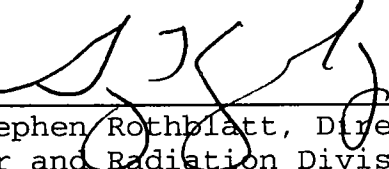
35. The installation of Furnace 1-3 resulted in an increase in PM₁₀ emissions above the significance level making it a "major modification" as defined in 40 C.F.R. §52.21(b)(2) and OAC Rule 3745-31-01.
36. Anchor violated and continues to violate Section 165(a) of the CAA, 42 U.S.C. § 7475(a), the PSD regulations set forth in 40 CFR § 52.21 and incorporated into the Ohio SIP at 40 C.F.R. § 52.1884, and the federally-approved Ohio PSD regulations at OAC Rule 3745-31 by, among other things, undertaking a major modification and operating its facility after the modification without obtaining a PSD permit as required by 40 C.F.R. §§ 52.21(i)(1), 52.21(r)(1) and OAC Rule 3745-31-13. Anchor also has not implemented BACT to control PM₁₀ emissions as required by 40 C.F.R. § 52.21(j) and OAC 3745-31-15. In addition, Anchor has failed and continues to fail to demonstrate that the construction or modification would not cause or contribute to air pollution in violation of any ambient air quality standard or any specified incremental amount as required by 40 C.F.R. § 52.21(k) and OAC Rule 3745-31-16; to perform an analysis of ambient air quality in the area as required by 40 C.F.R. § 52.21(m) and OAC Rule 3745-31-14; and, to submit to Ohio or U.S. EPA all information necessary to perform any analysis or make those determinations required under 40 C.F.R. § 52.21 as required by 40 C.F.R. § 52.21(n) and

OAC Rule 3745-31-12.

37. The Title V permit application Anchor submitted failed to identify all applicable requirements and contain a compliance plan for all applicable requirements for which the facility was not in compliance (including the requirement to meet BACT). The Title V permit issued by Ohio EPA does not include emission limitations consistent with BACT for Furnace 1-3. Anchor has operated and continues to operate Furnace 1-3 without having a valid operating permit that requires compliance with emission limitations that meet BACT or that contains a compliance plan to meet emission limitations consistent with BACT in violation of Sections 503(c) and 504(a) of the CAA, 42 U.S.C. §§ 7661b(c) and 7661c(a).

8/5/05

Date



Stephen Rothblatt, Director
Air and Radiation Division

ACTING

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-05-OH-18, by Certified Mail, Return Receipt Requested, to:

Robert C. Ryder, Director, Engineering
Anchor Hocking Corporation
1115 West Fifth Avenue
Lancaster, Ohio 43130

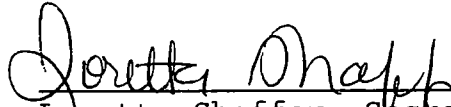
I also certify that I sent copies of the Notice of Violation/Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

and

Isaac Robinson, APC Supervisor
Central District Office
Ohio Environmental Protection Agency
3232 Alum Creek Drive
Columbus, Ohio 43207-3417

on the 5th day of August, 2005.



Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001032000059025 6664